

United States District Court
Eastern District of California

Darrel L. Smith,

Plaintiff, No. Civ. S 04-0702 MCE PAN P

vs. Order

King, et al.,

Defendants.

-oOo-

June 29, 2005, plaintiff filed a motion for costs and attorneys' fees pursuant to Fed. R. Civ. P. 54(d).

Subject to certain limitations, after judgment a prevailing party is entitled to recover costs of litigating an action and may move for an award of attorneys' fees. Fed. R. Civ. P. 54(d) (1), (2).

Judgment has not been entered and plaintiff is not represented by counsel.

I therefor deny plaintiff's June 29, 2005, motion for costs

1 and attorneys' fees.

2 So ordered.

3 Dated: February 7, 2006.

4 /s/ Peter A. Nowinski

5 PETER A. NOWINSKI

6 Magistrate Judge

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